

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:19-cr-3333-WJ

v.

MALCOLM TORRES,

Defendant,

ORDER DENYING DEFENDANT'S MOTION TO DISMISS AS MOOT

On November 14, 2022, Defendant Torres filed a motion to dismiss Count 1 of the superseding indictment for failure to allege an essential element of first-degree felony murder. **Doc. 100.** On February 6, 2023, the Court held a hearing on this motion but reserved ruling. On February 23, 2023, the United States filed a Second Superseding Indictment. **Doc. 144.** Because the United States has again superseded the indictment, Defendant's motion is now moot. The Court **DENIES** Defendant's Motion to Dismiss Count 1 (**Doc. 100**) as moot and without prejudice.

IT IS SO ORDERED.


CHIEF UNITED STATES DISTRICT JUDGE